

NEWS FROM ED MARKEY

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REP. MARKEY RELEASES STATE BY STATE CHEM. SECURITY DATA: VULNERABILITIES EXIST IN ALL 50 STATES

***Markey Calls on Bush Administration, Chemical Industry to Support Robust Security
Legislation***

Washington, DC – Representative Edward Markey (D-MA), a senior Member of the Homeland Security Committee, today released an analysis prepared for him by the Congressional Research Service (CRS) that details how many chemical facilities in each State threaten the lives of Americans. The analysis (attached) used data submitted by the chemical industry to the Environmental Protection Agency (EPA) to calculate how many people would be threatened by terrorist attacks on or accidents at chemical facilities. The EPA database includes facilities that use large quantities of 140 of the most toxic and flammable chemicals, including chlorine, chemicals containing arsenic, and propane.

“The Bush Administration needs to understand that the threat is not theoretical,” said Rep. Markey. “There are night clubs in New York City that are harder to get into than some of our chemical plants. These facilities which pose security risks exist in all 50 States. Twenty-three States, including Massachusetts, contain at least one facility at which a worst-case accident or terrorist attack could threaten more than 1 million people. While the Bush Administration has claimed to abandon its own earlier approach of allowing the chemical industry to regulate itself, it has refused to put its money where its mouth is and commit to any meaningful security upgrades.”

The threat of a terrorist attack on a chemical facility has been well-documented both by security experts and enterprising reporters. Richard Falkenrath, formerly the Deputy Homeland Security Advisor to President Bush, recently stated in Congressional testimony that “to date, the federal government has made no material reduction in the inherent vulnerability of hazardous chemical targets inside the United States. Doing so should be the highest critical infrastructure protection priority for the Department of Homeland Security in the next two years.” In November 2003, *60 Minutes* reported lax security at dozens of facilities in major metropolitan areas, including Chicago, Houston, New York, Los Angeles, and Baltimore. According to the reporter: “We found gates unlocked or wide open, dilapidated fences and unprotected tanks filled with deadly chemicals in dozens of plants in metropolitan areas that could put more than one million people at risk in the event of a terrorist attack... There was one plant in Chicago where I simply sat on top of the tank and waved, ‘Hello, I’m on your tank.’”

During the April 2005 mark-up of the Department of Homeland Security Authorization Act, Rep. Markey offered an amendment that included provisions to strengthen security at chemical plants. The amendment failed on a party-line vote. When the bill reached the Floor, Rep. Markey’s language was included as part of the Democratic Substitute, which also failed by a party-line vote. The American Chemistry Council, the U.S. Chamber of Commerce, the National Association of Manufacturers, and a coalition of chemical, agricultural and petrochemical companies aggressively opposed Rep. Markey’s common sense chemical security provisions.

At a recent hearing in the Homeland Security Committee, Rep. Markey asked Mr. Robert Stephan, Assistant Secretary for Infrastructure Protection, U.S. Department of Homeland Security questions to determine exactly which aspects of the Markey chemical security proposal the Bush Administration *would* support. The results were largely disappointing.

Question: Does the Administration believe that legislation is needed to grant the Department of Homeland Security the regulatory authority it needs?

Answer: Yes

Question: Would the Administration support legislation that required DHS to evaluate chemical facility security using force-on-force exercises?

Answer: Not willing to commit

Question: Would the Administration support legislation that required companies to reduce the risk their facilities posed by taking steps to replace toxic chemicals or processes with less dangerous technologies, when it is economically and technologically feasible for them to do so?

Answer: No.

Question: Would the Administration support having whistleblower protections for anyone who is retaliated against for reporting chemical security flaws that are at least as strong as those provided by Congress in the Sarbanes-Oxley Act to Enron or Worldcom employees who are retaliated against for reporting accounting fraud?

Answer: Not willing to commit

“The Bush Administration seems to put the interests of Corporate America ahead of the homeland security interests of ordinary Americans. This is unacceptable, and I will continue to fight to achieve meaningful security upgrades at these facilities. My amendment would have required mandatory vulnerability assessments, security upgrades and shifts to less dangerous chemicals or processes whenever possible. I hoped that the Bush Administration would finally make specific commitments to address the gaping security loopholes at these facilities. Unfortunately, the Administration’s recent announcement looks like more of the same empty rhetoric. President Bush needs to take action to address the real threat that a lack of protection and planning for chemical facilities presents to communities from California to Massachusetts. We need a President who prioritizes the security of American families over the special interests of big chemical corporations,” Rep. Markey said.

For more information on Representative Markey’s work on homeland security check out:

<http://www.house.gov/markey/>

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